IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

WP(C).No. 2257 of 2007(R)

PETITIONER:

OMANAKUTTAN,
THANKOM BRICKS, ELAVANCHIYIL,
PUTHOOR, KOTTARAKKARA.

BY ADV. SRI.S.SANTHOSH KUMAR.

RESPONDENTS:
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1. **THE STATE OF KERALA,**
   REPRESENTED BY THE SECRETARY TO GOVERNMENT,
   LABOUR DEPARTMENT, SECRETARIAT,THIRUVANANTHAPURAM.

2. **THE ADDL.DISTRICT EXECUTIVE OFFICER,**
   KERALA MOTOR WORKERS WELFARE FUND BOARD, KOLLAM.

3. **THE DEPUTY TAHSILDAR (R.R),**
   TALUK OFFICE, KOTTARAKKARA.

4. **P. KRISHNANKUTTY NAIR,**
   S/O. PARAMESWARAN PILLAI, CHOORAKKATTUVILA HOUSE,
   CHEMPOIKA, KOTTARAKKARA.

BY ADV. SRI.K.HARILAL, SC.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.2257/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE R.R. DEMAND NOTICE NO. D3-24061/2005 DTD. 28/11/2005 ISSUED BY THE R.3.

EXT.P.1.A: COPY OF THE R.R. DEMAND NOTICE NO. D3-6151/2006 DTD. 15/05/2006 ISSUED BY THE R.3.

EXT.P.1.B: COPY OF THE R.R. DEMAND NOTICE NO. D3-6160/2006 DTD. 15/05/2006 ISSUED BY THE R.3.

EXT.P.2: COPY OF THE FINAL DETERMINATION ORDER NO. B4/EQ/888/01-02 DTD. 06/04/2003 FOR THE YEAR 2001-2002.

EXT.P.2.A: COPY OF THE FINAL DETERMINATION ORDER B14/E1/888/02-03 DTD.28/06/2005 FOR THE YEAR 2002-2003.

EXT.P.2.B: COPY OF THE FINAL DETERMINATION ORDER NO. B4/EQ 888/03-04 DTD. 28/06/2005 FOR THE YEAR 2003-2004.

EXT.P.3: COPY OF THE CERTIFICATE OF REGISTRATION IN RESPECT OF LORRY BEARING REG. NO. KL7D-8858.

EXT.P.4: COPY OF THE REPRESENTATION DTD. 06/01/2007 TO THE R.2.

//TRUE COPY//

prv.

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No. 2257 OF 2007-R

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Dated this the 30th day of March, 2007.

JUDGMENT

Petitioner faces revenue recovery proceedings pursuant to final orders under the Kerala Motor Transport Workers' Welfare Fund Act. He has not filed any appeal. This is because, going by the pleadings in the writ petition, the petitioner says that he could not get a copy of the order.

In the aforesaid circumstances, this writ petition is disposed of directing that the distress action against the petitioner will be dropped, if he pays off the entire outstandings after giving due credit to amounts, if any, paid on the basis of the interim order dated 19-1-2007, in four equal monthly instalments, payable on or before the last working day of every month, commencing from April, 2007. If there is default in paying any of the instalments as

aforesaid, the benefit of this judgment shall stand recalled automatically and the respondents are at liberty to forthwith take distress action.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-